REMARKS

Reconsideration of this Application is respectfully requested. Claims 1-34 are amended, without prejudice or disclaimer. New claims 35 and 36 are added. Claims 1-36 are in this case.

Initially, the Examiner objected to the drawings under 37 C.F.R. § 1.84(o) on grounds that FIGS. 1, 3 and 4 contain items that do not have descriptive legends. The Examiner also required new drawings under 37 C.F.R. § 1.83(p)(5) on grounds that the numbers of several items in the figures do not agree with the numbers given in the Specification (the Examiner citing, e.g., FIG. 4 and 'database server 48' on page 21, line 17). The Examiner requires a proposed drawing correction or corrected drawings in response to the Office Action in order to avoid abandonment of the Application. The Examiner noted that the respective objection and requirement will not be held in abeyance.

Next, the Examiner objected to the Abstract Of The Disclosure for not describing the claimed subject matter of the dependent claims. In addition, the Examiner objected to the disclosure on grounds that the Specification contains several item numbers that do not agree with the item numbers shown in the figures (the Examiner citing, e.g., 'pager 42' on page 11, line 18, and FIG. 1). Appropriate correction of the foregoing was indicated as being required by the Examiner.

The Examiner then rejected claims 16 and 17 under 35 U.S.C. § 112, second paragraph, for indefiniteness. According to the Examiner, claims 16 and 17 each recite the limitation "at least one display page" in reference to claims 8 and 9, respectively. She explains that there is insufficient antecedent basis for this limitation in the claims. The

Examiner notes that, for purposes of further reviewing these claims, it will be assumed that Applicants intended claims 16 and 17 to depend from claims 6 and 7, respectively.

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Claims 16 and 17 are amended, accordingly, to depend from claims 6 and 7, respectively. In the Specification, on page 11, line 18, "pager 42" is amended to correctly read - - pager 43 - - consistent with FIG. 1; a voluntary amendment being made, in addition, to improve readability of page 11, line 5. Also, a new drawing FIG. 4 attached as Exhibit A correctly labels "database server 48" and "web server 46". Regarding the Examiner's objection to FIGS. 1, 3 and 4 for containing items that lack descriptive legends, Applicants respectfully disagree and submit that appropriate legends are provided, pursuant to 37 C.F.R. § 1.84(o). In lieu of correction, the Examiner's clarification and/or explanation is respectfully requested. Last, while Applicants respectfully disagree with the Examiner's assertion that the Abstract Of The Disclosure must also describe the claimed subject matter of the dependent claims, the Abstract is modified to reflect language added to both claims 1 and 18 herein.

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Next, the Examiner rejected claims 1-12, 15-17, 18-29 and 32-33 under 35 U.S.C. § 103(a) as obvious and, therefore, unpatentable over Axis, "Network Camera Developments Enable Live Web Imaging", AXIS 2100 White Paper, Nov. 12, 1999, pp. 1-12, in view of Bates et al., U.S. Patent No. 5,907,681. According to the Examiner, with respect to claim 1, Axis teaches a method comprising the steps of: (i) providing a data source [citing p. 8, paragraph 1, and identifying the network camera as data source]; (ii) providing data using

means for utilizing data from the data source [referring to p. 8, paragraph 1, noting that an image (data) is transmitted to a browser (data using means) from the camera (data source)]; and (iii) providing a communication link between the data source and the data using means [citing p. 8, paragraph 1, that the image is transmitted over a network (communications link)].

The Examiner acknowledges that Axis fails to teach the limitation of the data using means having an initial refresh interval; monitoring at least one criteria related to the refresh interval; generating an updated data refresh interval based at least in part on the monitored criteria; and changing the initial data refresh interval of the data using means to the updated data refresh interval. The Examiner then looks to Bates et al. as allegedly teaching these limitations. More particularly, the Examiner takes the position that Bates et al. teach (i) the data using means having an interval refresh interval [citing column 3, lines 1-25, i.e., an internet browser (data using means) with an initial refresh rate]; (ii) the step of monitoring at least one criteria related to the refresh interval [referencing column 3, line 51 – column 4, line 15, noting disclosure of the criteria used for adjusting the refresh rate for the web page]; (iii) generating an updated data refresh interval based at least in part on the monitored criteria [making reference to column 3, lines 51-54]; and (iv) changing the initial data refresh interval of the data using means to the updated data refresh interval [citing column 3, lines 51-54].

Based on the foregoing, the Examiner concludes that it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Axis in view of Bates et al. so as to automatically and adaptively refresh web page data. The Examiner states

further that one would be motivated to do so in order to provide efficient updating of a web page.

Regarding claim 2, the Examiner argues that the combination of Axis and Bates et al. teaches the method of claim 1, wherein the communication link comprises a network [referencing page 8, paragraph 1 of Axis, as disclosing communications over a network]. With reference to claim 3, the Examiner finds the combination of Axis in view of Bates et al. sets forth the method of claim 2, wherein the network is a global computer network [citing to pages 9-10, paragraph 3 of Axis, as disclosing communications over the Internet]. As for claim 4, the Examiner asserts that the combination of Axis in view of Bates et al. teaches the method of claim 1, wherein the data using means is a web browser [page 8, paragraph 1, as showing a web browser].

With regard to claim 5, the Examiner indicates that the combination of Axis in view of Bates et al. teaches the method of claim 1, further comprising providing a database for storing the data received from the data source [pages 9-10, paragraphs 3-4, as allegedly disclosing storing a captured image from the camera (data source) and alerting a user that the image is available for viewing]. As for claim 6, the Examiner finds that the combination of Axis with Bates et al. sets forth the method of claim 5, further comprising providing a means for generating at least one display page based at least in part on the data stored in the database and which is viewable on the data using means [referencing pages 9-10, paragraphs 3-4, of Axis as purportedly demonstrating that a user views a web page (display page) with the stored image through the web browser (data using means)]. With claim 7, the Examiner believes that the combination of Axis in view of Bates et al. teaches the method of claim 1,

further comprising providing a means for generating at least one display page based at least in part on the data from the data source and which is viewable on the data using entity [citing pages 9-10, paragraphs 3-4, of Axis as showing that images can be viewed directly from the camera (data source) through the web browser (data using entity)].

Turning now to claim 8, the Examiner asserts that the combination of Axis in view of Bates et al. teaches the method of claim 1, wherein the at least one criteria is selected from the group comprising the likelihood that the data using entity will receive a large amount of data, the available bandwidth of the communications network, the closeness of the client to the part of the web site containing a source of data, the ability of the server to process data, client usage patterns, database usage patterns, and the nature of the data [making reference to column 4, lines 31-33, as allegedly disclosing monitoring pages used only on the weekends (client usage pattern)]. The alleged combination of Axis and Bates et al. also teaches, says the Examiner, wherein the monitored criteria is used in an adaptive algorithm to determine the updated refresh interval, as set forth in Applicants' claim 9. The Examiner cites, in this connection, column 3, lines 51-54, of Bates et al. as disclosing applying a heuristic approach (adaptive algorithm) to the history data (monitored criteria) so as to determine the refresh rate.

As to claim 10, the Examiner takes the position that the combination of Axis and Bates et al. allegedly teaches the method of claim 1, wherein the updated refresh interval is transmitted to the data using means [the Examiner making reference to column 4, lines 59-63; where Bates et al. purported discloses that a scan of an automatic refresh list or page data is performed so as to provide the browser (data using means) with the updated refresh

interval]. The combination additionally teaches, the Examiner continues, wherein the data using means uses the updated refresh interval to determine when to refresh the data, as set forth in claim 11 [the Examiner citing, in this connection, column 3, lines 13-15 and 51-54; Bates et al. purportedly disclosing that the browser (data using means) uses the refresh rate to provide automatic refresh functions]. Furthermore, the Examiner states, the combination discloses the step of claim 12 wherein the data using means requests data from the data source [referencing page 8, paragraph 1 of Axis, as purportedly showing that the web browser (data using means) requests data from the camera (data source)].

Moreover, the Examiner finds that the combination of Axis and Bates et al. teaches the method of claim 1 wherein the data using means is a visual display, an audible display, or a tactile display, as provided in claim 15. She cites, in this regard, page 8, paragraph 1 of Axis, as disclosing viewing images (visual display)]. As for claim 16, the Examiner asserts that this combination also describes the method of claim 6 wherein the at least one display page is pushed to the data using means [referencing page 8, paragraph 1 of Axis, as disclosing displaying of a web page (display page) with the image from the camera on the web browser (data using means)]. As for claim 17, the Examiner finds that the combination teaches the method of claim 7 wherein the at least one display page is pushed to the data using means [making reference to page 8, paragraph 1 of Axis, as describing displaying a web page (display page) with the image from the camera on the web browser (data using means)].

Finally, the Examiner argues that claims 18-29, 32 and 33 represent system claims that correspond to method claims 1-12 and 15-17, respectively, do not teach or define any

new limitations above claims 1-12 and 15-17, and, therefore, are rejected for similar reasons.

* * * * *

Last, the Examiner rejected claims 13-14 and 30-31 under 35 U.S.C. § 103(a) as obvious and, therefore, unpatentable over Axis in view of Bates et al. and further in view of Nichols et al., U.S. Patent No. 6,138,150. More particularly, according to the Examiner, the combination of Axis with Bates et al. teaches the invention substantially as claimed in Applicants' claim 13, the Examiner citing to the rejection of claim 1 above.

The Examiner acknowledges that the combination fails to teach the limitation, wherein a data server generates and transmits the updated refresh interval in response to the request for data by the data using means. The Examiner then looks to Nichols et al. which, she says, disclose a data server that generates and transmits the updated refresh interval in response to the request for data by the data using means [the Examiner citing Nichols et al., column 6, lines 11-23, as purportedly showing a secure server that transmits the refresh rate to the browser (data using means)].

The Examiner concludes that it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Axis in view of Bates et al. and further in view of Nichols et al. so that a separate secure server provides the refresh rate. The Examiner reasons that one would be motivated to do so in order to store individualized browser refresh rates so that different users may use the same browser.

Regarding claim 14, the Examiner takes the position that the Axis – Bates et al. – Nichols et al. combination teaches the method of claim 13 wherein a subsequent request for data by the data using means is based at least in part on the updated refresh interval [the

Examiner making specific reference to column 6, lines 21-23 of Nichols et al.].

As for claims 30-31, the Examiner asserts that they represent system claims that correspond to method claims 13-14, respectively, do not teach of define any new limitations above claims 13-14, and, therefore, are rejected for similar reasons.

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Applicants, however, respectfully disagree with the Examiner's reading and application of the cited references.

First, Axis is a publication entitled "Network Camera Developments Enable Live Web Imaging" that describes, albeit loosely, an arrangement for accomplishing remote viewing and video imaging over the Internet. Although Axis may present ideas similar to those underlying Applicants' invention, as claimed, Axis neither sufficiently discloses nor does the reference suggest the manner in which such an idea could be reduced to practice.

More specifically, although Axis, by virtue of its publication date, may be a citable reference, it merely identifies a problem in the art and purports a loose description of some hardware devices and protocols allegedly used by the author to solve such a problem. Unlike Bates et al. and Nichols et al., the Axis reference provides no flow diagrams nor other satisfactory description of the purported solution. Description of an idea or perceiving a problem in the art, Applicants respectfully submit, is not enough to warrant combination of Axis with Bates et al. and Nichols et al.

Notwithstanding Axis' omissions (which, we submit, would be insufficient to enable one skilled in the art to make or use the invention disclosed in the event patent protection was sought), the description set forth by Axis neither discloses Applicants' invention, nor

would its combination with Bates et al. and/or Nichols et al. be meaningful to one skilled in the art, let alone be obvious. In omitting to adequately describe a solution to the problem in the art, we respectfully submit, Axis' author did not appreciate, nor could he have had any appreciation of, Applicants' invention, as claimed. And neither Bates et al. nor Nichols et al., we submit, provide the requisite disclosure, in combination with Axis to support the stated rejection for obviousness under 35 U.S.C. § 103(a).

Second, Bates et al. concern a method of measuring the data refresh interval from a client browser itself. The browser periodically queries the Web pages to determine whether they have changed, then updates its own browser adaptive refresh for the individual pages. This is entirely distinct and different from Applicants' invention which sends the refresh interval to the individual browsers of the pages. Stated differently, unlike Bates et al., Applicants' browser performs no refresh interval calculations. As a result, in facing difficulties often experienced when operating in a large network environment, such as system overload on a camera server, Applicants' invention enables the camera server to much more efficiently notify all connected individuals of the new refresh rate. In other words, the server of Applicants' invention need not wait for each of the individual browsers to discover the refresh rate themselves, as is required by Bates et al.

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Notwithstanding the foregoing, independent claim 1 is amended to clarify that "the updated data refresh interval" of Applicants' system "is transferred to the data using means". Independent claim 18 is similarly amended to better define Applicants' method as including a step of "transferring the updated data refresh interval to the data using means".

In addition, Applicants provide new independent claims 35 and 36 of intermediate scope. Claim 35 incorporates the limitations of claims 1, 13 and 14 and claim 36 incorporates the elements of claims 18, 30 and 31. Claims 35 and 36 also indicate, in their preambles, that the respective method and system operate "between a sender computer and a receiver computer of a service broker system for interactive monitoring and control of data to and from computers and Internet enabled devices of a client/server safety system over the Internet".

Based on the foregoing, neither Axis, Bates et al. nor Nichols et al., we submit, whether taken alone or in any combination, disclose or suggest Applicants' invention, as claimed. Accordingly, withdrawal of the Examiner's rejections under §§ 112 and 103(a) is respectfully requested.

Applicants have made a good faith attempt to place this Application in condition for allowance. Favorable action is requested. If there is any further point requiring attention prior to allowance, the Examiner is asked to contact Applicants' counsel at (212) 768-3800.

Please charge any additional fees that may be required to our firm Deposit Account No. 50-0518.

Respectfully submitted,

Dated: October 19, 2004

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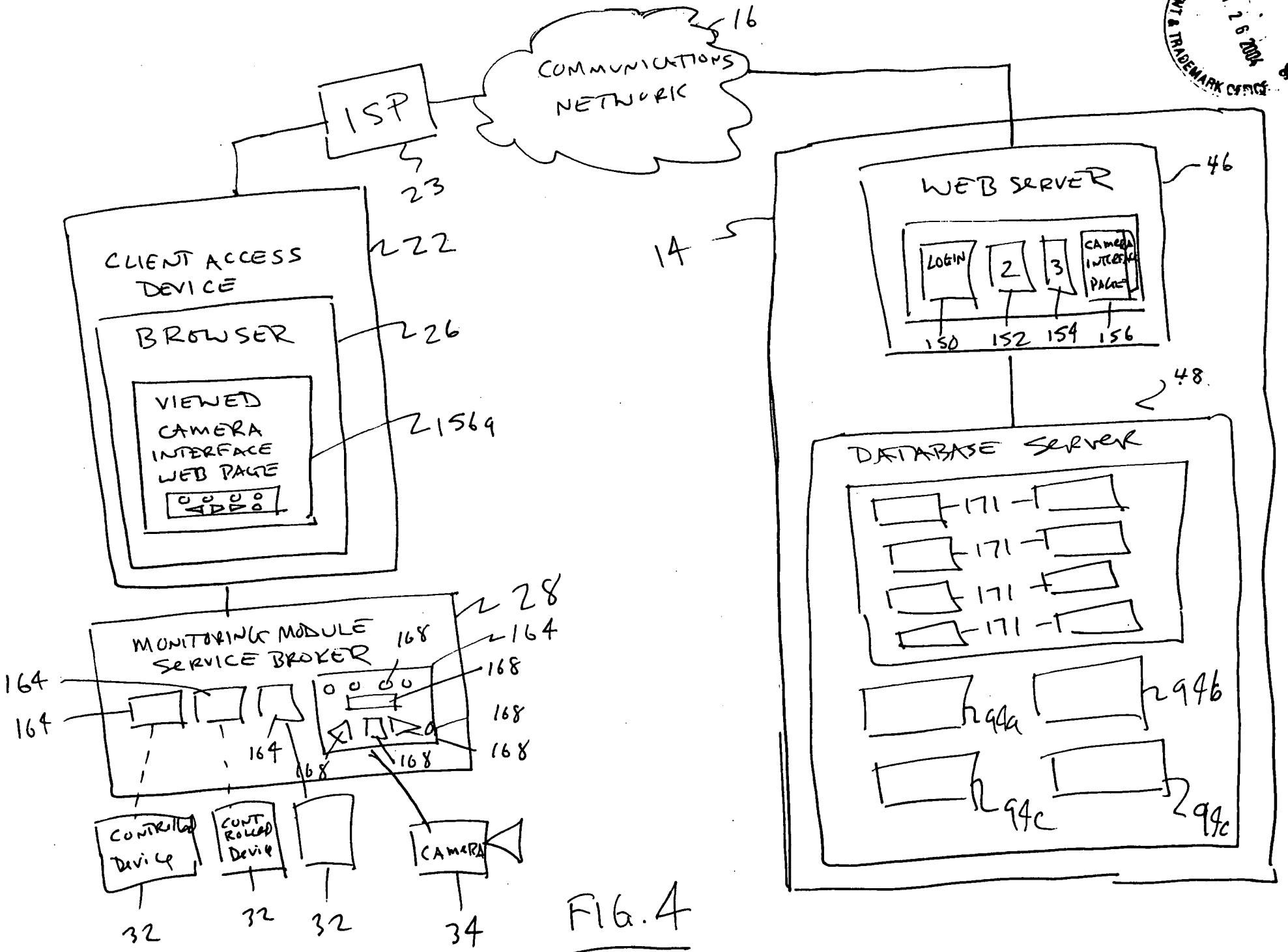

Fig. 4